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**REMARKS**

Applicant has added claims 28-32, amended claims 1-5, 7-13, 15, 18-19, 23-24, and 26, and canceled claims 20-22, 25, and 27 to better encompass the full scope and breadth of the invention. Accordingly, Applicant asserts that no claims have been narrowed within the meaning of *Festo*.

**I. Pro Se Applicant Request For Constructive Assistance**

If, for any reason the claims of this application are not believed to be in full condition for allowance, pro se applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP §707.07(j) in order that this application can be placed in allowable condition as soon as possible and without need for further proceedings.

**II. Rejection of Claims 1-15,17-20, 23-27 Under 35 U.S.C. §101**

The Examiner has rejected claims 1-15, 17-20 and 23-27 under 35 USC 101 because "the claimed invention is not within the technological arts." Independent claim 28 has been added and independent claims 1, 23, 24, and 26 have all been modified to clarify that the claimed invention act within a communication network, various steps in claims 1, 23, 24, 26, and 28 are performed by a processor in operative association with the communication network, claim 27 has been canceled. Applicant submits that with these clarifications the invention claimed in all Applicant's independent claims fulfills all prongs of the technological arts inquiry of the case law cited by the Examiner, and the 35 USC 101 rejection should be withdrawn.

**III. Rejection of Claims 1-20 and 24-27 Under 35 U.S.C. §103(a) as being unpatentable over Gilles in view of Trell**

Claims 1-20 and 24-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gilles (U.S. Patent 6,137,873) in view of Trell (U.S. Patent 6,393,117). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

Independent Claims 1, 24, and 26 teach a provider initiated notification method and the matching of newly discovered available telephone numbers that mnemonically correspond with unavailable telephone numbers in use by subscribers and notifying the newly discovered subscriber about the availability of the matching newly discovered unavailable telephone number.

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Examiner agrees that Gilles does not teach a provider initiated notification method and Trell does not teach a mnemonic correspondence between available and unavailable telephone numbers. Applicant will further show that Gilles does not teach a mnemonic correspondence between available and unavailable telephone numbers and that Trell does not teach a provider initiated notification method, but unlike Applicant teaches a caller or subscriber initiated request method along with Gilles.

**Gilles**

Examiner interprets Gilles (Col. 11, lines 48-51) by stating "returning to a customer a list of available numbers that match the desired telephone number pattern" as returning to a customer numbers which are similar to the "desired ones" and easy to remember, thereby disclosing "mnemonic feature" of Applicant.

Applicant strongly disagrees. A resultant list of items from any pattern matching technique (e.g., wildcard searching) by definition (matching patterns are mnemonic) will always include items that are "mnemonic by nature" with respect to the items themselves and to the searched pattern. Mnemonic relationships of such resultant items are based strictly on the available phone numbers themselves and *fail to match dynamic mnemonic relationships between both newly discovered available numbers with respect to unavailable phone numbers.*

Gilles teaches determining availability from a requested pattern, *but remains silent regarding how the incidental or inevitable pattern matches that happen to be mnemonic by definition can have a specific intentional use as taught by Applicant* (discovery and notification of specific mnemonic relationships between an available phone number and an unavailable phone number).

More specifically, the list of available telephone numbers may have mnemonic relationship to each other or to the desired telephone number pattern (desired ones). *However, a customer can not be a subscriber of a "desired telephone number pattern."*

Gilles treats determining availability of a specific phone number or "desired telephone number" differently than a telephone number pattern. Again Gilles is silent regarding any kind of mnemonic result. This assertion can be found in the very same paragraph. Gilles (Col. 11, lines 40-45) which states, "The telephone number inquiry 384 may be used to determine the availability of a specific telephone number. Given a specific telephone number, the system will respond with a message indicating whether or not the telephone number is available as represented by block 386". The word "mnemonic" is not even found anywhere in Gilles from a full-text search of Gilles from the USPTO server.

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**Trell**

Examiner uses Trell (Claim 1, Col. 1, lines 49-50) because, "Gilles does not explicitly teach that the provider initiates communication regarding said numbers. Trell teaches a system wherein a subscriber is offered an additional telephone number from a list and wherein the offering step is initiated by a service provider over the network." However Examiner is misinterpreting how Trell uses the word "offering".

The first two steps of Trell Claim 1 reads, "offering at least one subscriber of a plurality of subscribers of a telephone network/telecommunication system a service for incoming calls/communication; connecting by said at least one subscriber, by means of dial-up and/or input through an existing keypad at a telephone instrument/terminal of the at least one subscriber, to the telephone network/telecommunication system for starting the ordering operation;"

Applicant has marked in bold operative language of claims to better understand the context of the word "offering" in Trell and how communication is initiated. Trell offers a telephone service for incoming calls to a subscriber where the subscriber initiates communication with the service for starting the ordering operation of a temporary number. By reading all of Trell, context of all references to the word "offering" (e.g. col 1, Ins. 49-50) is the same in all cases, which is offering a network service that a customer can communicate with to initiate ordering.

Trell teaches offering a service to obtain an additional telephone number but Trell relies on at least two conditions including a calling party having knowledge of such service and such a calling party initiating a call to such service.

Unlike prior art, Applicant teaches a provider initiated notification and alert system to inform a subscriber of a telephone number concerning additional telephone numbers available for subscription and particularly of such additional telephone numbers that are mnemonically related to the subscriber's existing phone number.

**Gilles and Trell do not teach** all steps of Applicant Claim 1, 24, and 26 alone or in combination, nor teach or contemplate any kind of provider initiated notification method (Applicant Claim 1 preamble) notifying a subscriber of additional telephone numbers that are mnemonically related to the telephone subscriber's phone number.

In light of the above, it is Applicant's belief that Examiner does not establish a prima facie case of obviousness under 35 U.S.C. §103.

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**IV. Rejection of Claim 23 Under 35 U.S.C. §103(a) as being unpatentable over Quatse in view of Gilles**

Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Quatse (U.S. Patent 5,991,368) in view of Gilles (U.S. Patent 6,137,837). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

All prior art such as Quatse and others relating to the determination of a changed phone number provide solutions with regard to providing or accessing the newly changed number and fail to teach providing any solutions or methods regarding use, access, or communication with the old phone number. Unlike prior art, Applicant teaches how new use can be established specifically regarding the old phone number in response to determining that the number has changed.

Quatse provides a selection for additional information (col. 5, ln. 10-12) pertaining to only the "area code" and not the telephone number. As stated earlier, Gilles treats determining availability of a specific phone number or "desired telephone number" differently than a telephone number pattern. Gilles is silent regarding any kind of mnemonic result. This can be found in the very same paragraph. Gilles (Col. 11, lines 40-45) which states, "The telephone number inquiry 384 may be used to determine the availability of a specific telephone number. Given a specific telephone number, the system will respond with a message indicating whether or not the telephone number is available as represented by block 386".

Examiner states that "it would have been obvious to one of ordinary skill to modify Quatse to include from Gilles determining whether said calling party may be interested in subscribing to any available phone number, because the subscription would generate additional revenue to telephone companies." The teaching of Applicant has everything to do with the precise condition as to when and why a subscription can be offered. It is not enough that consideration of all forms of revenue generation at any time would obviate such specific conditions for making such offering. Both Quatse and Gilles have failed to suggest, imply, or teach a motivation to combine both teachings and allow a caller an ability to subscribe to a dialed telephone number that has been disconnected or changed into a new number.

For the sake of argument, even if Gilles taught the last recited step of Claim 23 there would be no need for Quatse to have combined Gilles because when Quatse notifies that the area code of the first phone number will soon change it does not influence the need of the subscriber to have a reason to consider the availability of other phone numbers and there is no sense in presenting the

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dialed phone number (as available) to the calling party since the dialed phone number is still in use until the new area code change takes effect.

Therefore it is Applicant's belief that *Examiner does not establish a prima facie case of obviousness* under 35 U.S.C. §103.

**V. Notice of References Cited, PTO-892**

Applicant has carefully reviewed the references cited but not applied. Applicant respectfully submits that none of those references, alone or in any combination, remedy the deficiencies of the applied art, nor teach or suggest the claimed invention alone or in any combination.

**VI. Conclusion**

For all of the above reasons, the present application and pending claims 1-19, 23-24, 26, and 28-32, as amended, are believed to be in condition for allowance. Applicant respectfully requests the Examiner to issue a formal Notice of Allowance directed to claims 1-19, 23-24, 26, and 28-32, inclusive.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact the Applicant at the telephone number listed below.

Respectfully submitted,



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